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COMMENTS: Please refer to the attached **Request** for Application 09/428,035.

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Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
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Re:   **Application Serial No.:**   09/428,035  
      **Confirmation No.:**       4121  
      **Appellants:**           McGrady, et al.  
      **Title:**                Method of Dispensing and Tracking  
                                  the Giving of Medical Items to Patients  
      **Docket No.:**           D-1123

Sir:

**Request That The Order Dated January 24, 2005 Be Rescinded**

The Order states that "It is not clear from the record that the Information Disclosure Statement dated December 22, 2000, has been considered or fully acknowledged. Further, it appears that the required Form 1449 is missing from the record."

Appellants respectfully submit that the IDS has already been fully considered by the Examiner as evidenced by the Office Action dated March 18, 2002. In this Office Action every reference in the IDS was listed on form PTO-892. Thus, the IDS was properly responded to by the Examiner. Furthermore, at the time of the IDS filing, a form PTO-1449 was not "required."

Appellants respectfully submit that their application is ready for docketing as an appeal. No further action by the Examiner is needed. It follows that the Order dated January 24, 2005 should be rescinded.

As this application has been pending over five years, an advancement of decision is respectfully requested.

Respectfully submitted,



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